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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,569	02/27/2004	Anton Stempfle	2001P14034WOUS	9444
46726	7590	11/15/2005	EXAMINER	
JOHN T. WINBURN 100 BOSCH BOULEVARD NEW BERN, NC 28562			TANNER, HARRY B	
			ART UNIT	PAPER NUMBER
			3744	
DATE MAILED: 11/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/788,569	Applicant(s) STEMPFLE ET AL.	
	Examiner Harry B. Tanner	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda in view of Stamp, Jr. et al. Takeda discloses the invention substantially as claimed. Takeda discloses a refrigerating appliance with an inner chamber enclosed by a heat-insulating housing 10, cooling system having a plurality of electrical and electromechanical components 12-26 and a control unit for operating the cooling system and checking the operation of the system components by comparing the inside temperature to the set temperature to determine a system failure including checking for temperature sensor failure and providing display of the malfunctions (see col. 5, line 2 to col. 6 line 44). Stamp teaches checking the operativeness of temperature sensors before checking for other possible system malfunctions (see col. 8, line 68 to col. 9, line 47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Takeda such that it included checking the operativeness of temperature sensors before checking for other possible system malfunctions in view of the teachings of Stamp.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda in view of Stamp, Jr. et al as applied to claim 8 above, and further in view of Suzuki et al. Suzuki teaches using a combination of keys actuated concurrently in order

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of activate the diagnostic mode of a cooling system (see col. 7, line 58 to col. 8, line 56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Takeda such that it included using a combination of keys actuated concurrently in order of activate the diagnostic mode in view of the teachings of Suzuki. The use of keys on the opposite sides of the display is considered to have been an obvious matter of engineering design since the operation of the diagnostic system would not be substantially altered and it would have been obvious to one of ordinary skill in the art to use any two keys on the display to activating the diagnostic mode.

Applicant's arguments filed on August 22, 2005 have been fully considered but they are not persuasive. For example, with respect to applicant's contention that there is no suggestion or motivation for combining the teachings of the Takeda and Stamp references, it is noted that both references are concerned with temperature controls and detecting malfunctions of the system including the malfunction of temperature sensors used by the temperature control. Stamp teaches the concept of determining the proper operation of a temperature sensor before using that temperature sensor to evaluate the proper operation of other functions of the system. It is the examiner's position that one of ordinary skill in the art would have considered it to have been obvious to modify the system of Takeda such that temperature sensors used to evaluate the proper operation of the system are first evaluated as being functional before they are used to evaluate other functions of the system in order to prevent erroneous malfunction indications in view of the teachings of Stamp.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry B. Tanner whose telephone number is (571) 272-4813. The examiner can normally be reached 8:30 am to 5:00 pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melba Bumgarner, can be reached on (571) 272-4709. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Harry B. Tanner". The signature is fluid and cursive, with the first name "Harry" being more prominent than the last name "Tanner".

Harry B. Tanner
Primary Examiner
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